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EXAMINER

STARKS, WILBERT L

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,503

Applicant(s)

SCHOENFELD ET AL.

Examiner

Wilbert L. Starks, Jr.

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 U.S.C. §101

1. 35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the invention as disclosed in claims 1-3 and 8-15 is directed to non-statutory subject matter.

2. None of the claims is limited to practical applications. Specifically, the claims do not conform to the standard from *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 USPQ2d 1596 (Fed. Cir. 1998). In that case, the court found that:

*Today we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording purposes and even accepted and relied upon by regulatory authorities and in subsequent trades. (emphasis added) *State Street Bank* at 1601.*

3. The court was careful to specify that the "useful, concrete and tangible result" it found was "a final share price momentarily fixed for recording purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." (i.e. the trading activity is the further practical use of the real world monetary data beyond the transformation in the computer – i.e., "post-processing activity".)

Art Unit: 2129

4. The result claimed by Applicant is the entering of parameters. Although Applicant mentions a "measurement task", Applicant does not actually measure anything in the claims. there's no real world data in the claims and the result does not reach the real world to have a "useful, concrete and tangible result."

5. Applicant cites no such specific results to define a useful, concrete and tangible result. Neither does Applicant specify the associated practical application with the kind of specificity the Federal Circuit used. On that basis, claims 1-3 and 8-15 are, thereby, rejected under 35 U.S.C. §101.

Claim Rejections - 35 U.S.C. §112

The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15 are rejected under 35 U.S.C. §112, first paragraph.

Claims 1-3 and 8-15

Claims 1-3 and 8-15 because current case law (and accordingly, the MPEP) require such a rejection if a §101 rejection is given because when Applicant has not in fact disclosed the practical application for the invention, as a matter of law there is no way Applicant could have disclosed *how* to practice the *undisclosed* practical application. This is how the MPEP puts it:

Art Unit: 2129

("The how to use prong of section 112 incorporates as a matter of law the requirement of 35 U.S.C. §101 that the specification disclose as a matter of fact a practical utility for the invention.... If the application fails as a matter of fact to satisfy 35 U.S.C. §101, then the application also fails as a matter of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C. §112."; In re Kirk, 376 F.2d 936, 942, 153 USPQ 48, 53 (CCPA 1967) ("Necessarily, compliance with § 112 requires a description of how to use presently useful inventions, **otherwise an applicant would anomalously be required to teach how to use a useless invention.**") See, MPEP 2107.01(IV), quoting In re Kirk (emphasis added).

Therefore, claims 1-3 and 8-15 are rejected on this basis.

Claim 4-7

Claim 4 is dependent on claims 1 and 2 and 3 in the conjunctive. This violates §112, first paragraph and makes claims 4-7 so indefinite as to be unexamined.

Claim Rejections - 35 USC §102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 8-15 are rejected under 35 U.S.C. §102(b) as being anticipated by Perholtz, et al (U.S. Patent Number 5,732,212 A; dated 24 MAR 1998; class 709; subclass 224). Specifically:

Claim 1

Claim 1's:

Art Unit: 2129

a) displaying a problem field on a display device, the problem field having a plurality of network elements for a telecommunication network;

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 1's:

b) graphically activating one of the network elements;

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 1's:

Art Unit: 2129

c) displaying a plurality of measurement tasks on the display device which are possible with respect to the activated network element;

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has **full keyboard and video access** to the Host Unit. In a view only access mode, the user has only the capability to **view the output of the Host PC's VDAC**. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 1's:

d) **graphically selecting** one of the measurement tasks; and

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either **select** a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 1's:

Art Unit: 2129

e) entering parameters level by level in lower levels starting from a level of the activated network element, with the parameters not specified by the user being occupied by standard values.

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 2

Claim 2's:

2. The method according to claim 1 wherein the problem field is displayed as a visual network plan.

is anticipated by Perholtz, et al, col. 6, lines 26-67 and col. 7, lines 1-16, where it

recites:

Software installed on the Remote PC permits (1) accessing a Host PC site in either a Modem Linkage or Direct Line Linkage mode, (2) initializing a modem attached to the Remote PC (including baud rate, and initialization strings) necessary for a Modem Linkage mode, (3) maintaining a list of Host Units that may be accessed from the Remote PC (including the dialing information needed to call the Host modem that

Art Unit: 2129

is used to access each Host Unit (when in a Modem Linkage mode), the ID number for each Host Unit, and the password needed to access each Host Unit), (4) completing a Modem or Direct Line Linkage from the Remote PC to a designated Host Unit, (5) **displaying status information relating to a active connection on the Remote PC's VDM screen**, (6) scanning the Host PC's VDM screen display history transferred from the Host Unit and stored on a mass storage device on the Remote PC, (7) setting the specific procedure to be used by the active Host Unit to capture Host PC VDAC video raster output (i.e. text modes, graphic modes, etc. in either monochrome or color), (8) switching the Remote PC's keyboard and/or mouse from use as a normal Remote keyboard and/or mouse to use as the keyboard and/or mouse for the Host PC, (9) accessing a Host PC for purposes of viewing a Host PC's VDM activity without switching the Host PC's keyboard and/or mouse to the Remote PC's keyboard and/or mouse, (10) switching the keyboard and/or mouse back from use as Host PC keyboard/mouse to use as a Remote keyboard/mouse, (11) initiating and controlling the transfer of data files between the Host and Remote PC, (12) communicating with the Host Unit using either standard telephone lines and modern communication protocols, when in a Modem Linkage mode, or a direct dedicated line, when in a Direct Line Linkage mode, (13) switching the Remote PC's VDM screen from a normal (i.e. Remote) VDM screen mode to a Host screen mode where a Host PC's VDAC output data is captured (without Host PC CPU support) and transmitted by the Host Unit to the Remote PC and is displayed on the Remote PC's VDM screen in place of the normal Remote PC's VDM screen display, (14) switching the Remote PC's VDM screen back from a Host PC video display to use as a Remote PC video display, (15) notifying the Host Unit to temporarily cut AC power input to the Host PC thereby forcing the Host PC to re-start, which is commonly referred to in the trade as a "cold-boot," (16) switching between Host Units and the Host Unit's associated Host PC in cases where more than Host Unit is interconnected, (17) changing a Host Unit's permanent or temporary password used by Remote PC's to access the Host Unit so as to prevent the unauthorized access of a Remote user to a Host PC, (18) terminating a Modem Linkage or Direct Line Linkage to a Host, (19) initiating a connection to another site, as required, (20) storing procedures necessary to train a Host Unit to decode a particular Host PC's VDAC video raster output signal, so that such procedures can be reloaded by a Remote PC into the Host PC's memory to facilitate using one Host Unit to access more than one Host PC without the need to repeat on-site training, and (21) exiting Remote PC application processing when there is no longer a need to access Host PCs.

Claim 3

Claim 3's:

Art Unit: 2129

3. The method according to claim 1 wherein the problem field is displayed as a pop-up menu.

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program **pops up a menu on the screen** with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 8

Claim 8's:

8. The method according to claim 1 further comprising the step of displaying the network elements, including the measurement task, the interfaces, and the protocols which are eligible for configuration of the measurement task, in a visually different way on the display device than network elements still purchasable or network elements which are not offered or network elements purchasable online.

is anticipated by Perholtz, et al, col. 6, lines 26-67 and col. 7, lines 1-16, where it

recites:

Software installed on the Remote PC permits (1) accessing a Host PC site in either a Modem Linkage or Direct Line Linkage mode, (2) initializing a modem attached to the Remote PC (including baud rate, and initialization strings) necessary for a Modem Linkage mode, (3) maintaining a list of Host Units that may be accessed from the Remote PC (including the dialing information needed to call the Host modem that is used to access each Host Unit (when in a Modem Linkage mode), the ID number for each Host Unit, and the password needed to access each

Art Unit: 2129

Host Unit), (4) completing a Modem or Direct Line Linkage from the Remote PC to a designated Host Unit, (5) displaying status information relating to a active connection on the Remote PC's VDM screen, (6) scanning the Host PC's VDM screen display history transferred from the Host Unit and stored on a mass storage device on the Remote PC, (7) setting the specific procedure to be used by the active Host Unit to capture Host PC VDAC video raster output (i.e. text modes, graphic modes, etc. in either monochrome or color), (8) switching the Remote PC's keyboard and/or mouse from use as a normal Remote keyboard and/or mouse to use as the keyboard and/or mouse for the Host PC, (9) accessing a Host PC for purposes of viewing a Host PC's VDM activity without switching the Host PC's keyboard and/or mouse to the Remote PC's keyboard and/or mouse, (10) switching the keyboard and/or mouse back from use as Host PC keyboard/mouse to use as a Remote keyboard/mouse, (11) initiating and controlling the transfer of data files between the Host and Remote PC, (12) communicating with the Host Unit using either standard telephone lines and modern communication protocols, when in a Modem Linkage mode, or a direct dedicated line, when in a Direct Line Linkage mode, (13) switching the Remote PC's VDM screen from a normal (i.e. Remote) VDM screen mode to a Host screen mode where a Host PC's VDAC output data is captured (without Host PC CPU support) and transmitted by the Host Unit to the Remote PC and is displayed on the Remote PC's VDM screen in place of the normal Remote PC's VDM screen display, (14) switching the Remote PC's VDM screen back from a Host PC video display to use as a Remote PC video display, (15) notifying the Host Unit to temporarily cut AC power input to the Host PC thereby forcing the Host PC to re-start, which is commonly referred to in the trade as a "cold-boot," (16) switching between Host Units and the Host Unit's associated Host PC in cases where more than Host Unit is interconnected, (17) changing a Host Unit's permanent or temporary password used by Remote PC's to access the Host Unit so as to prevent the unauthorized access of a Remote user to a Host PC, (18) terminating a Modem Linkage or Direct Line Linkage to a Host, (19) initiating a connection to another site, as required, (20) storing procedures necessary to train a Host Unit to decode a particular Host PC's VDAC video raster output signal, so that such procedures can be reloaded by a Remote PC into the Host PC's memory to facilitate using one Host Unit to access more than one Host PC without the need to repeat on-site training, and (21) exiting Remote PC application processing when there is no longer a need to access Host PCs.

Claim 9

Claim 9's:

9. The method according to claim 1 further comprising the step of specifying in the configuring of the measurement task a protocol that

Art Unit: 2129

contributes to solving the measurement task, with the configuring being made via graphical selection from the group consisting of a check box, a combobox and a pop-up menu.

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 10

Claim 10's:

10. The method according to claim 9 further comprising the step of selecting different versions of the selected protocol by graphical selection from the group consisting of the check box, the combobox and the pop-up menu.

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the

Art Unit: 2129

possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 11

Claim 11's:

11. The method according to claim 1 further comprising the step of executing configuration of the protocol tester hardware-wise according to the configured measurement task.

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Claim 12

Claim 12's:

12. The method according to claim 1 wherein the standard values are predetermined in the protocol tester.

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Claim 13

Art Unit: 2129

Claim 13's:

13. The method according to claim 1 further comprising the step of during the selection of the measurement task offering previously configured measurement tasks on the display device for selection.

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Claim 14

Claim 14's:

Art Unit: 2129

14. The method according to claims 1 or 13 further comprising the step of during the selection of the measurement task offering previously configured measurement tasks on the display device for modification.

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Claim 15

Claim 15's:

means for displaying a problem field, the problem field having a plurality of network elements for a telecommunication network;

Art Unit: 2129

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 15's:

means for graphically activating one of the network elements;

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 15's:

means for displaying a plurality of measurement tasks which are possible with respect to the activated network topology element;

Art Unit: 2129

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 15's:

a storage device in which standard values for parameters are stored, which standard values may serve for the configuration of the measurement task; and

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted

Art Unit: 2129

following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Claim 15's:

means for graphically selecting one of the measurement tasks; and

is anticipated by Perholtz, et al, col. 44, lines 47-61, where it recites:

If a connection is made to the selected Host Unit 705, the TVLINK.EXE program pops up a menu on the screen with two choices permitting the Remote user to either select a normal access mode or a view only access mode. In a normal access mode, the user has full keyboard and video access to the Host Unit. In a view only access mode, the user has only the capability to view the output of the Host PC's VDAC. Next, processing continues at block 742. If the Host PC is not turned ON or the Host Unit is not properly connected to the Host PC, the Host Unit will return an error that no Host Video signal is present, but the connection to the Host Unit will continue until terminated by the Remote User for the possible purpose of retrieving any VDAC screen history that may be present in the Host Unit.

Claim 15's:

Art Unit: 2129

means for entering further parameters level by level in lower levels starting from a level of the activated network element, with the parameters not specified by the user being occupied by standard values.

is anticipated by Perholtz, et al, col. 44, lines 16-46, where it recites:

TVLINK.EXE processing begins at block 700 on FIG. 7A. When the program is first invoked, a System Main Menu is displayed 701 with three processing options. The first menu option, Setup System 702, permits configuring the system to the user's specific requirements and the hardware configuration of the Remote PC where the system is being installed. The second menu option "Call Host Site" 703 permits the user to cause their Remote PC to call and link to a desired Host PC. When this menu option is selected, a call list of Host Units that may be selected is displayed 704. This call list is created and maintained as part of Setup System 702 processing. When a Host Unit on the list is selected, the program initiates linkage processing to the selected Host Site, then links to the requested Host Unit. Once linked a password is requested by the Host Unit using a password transmission key based random number that causes the password transmitted by the Host Unit to be encrypted following a procedure set by the key. This approach makes it difficult for someone to decode a password being transmitted from a Remote PC to a Host Unit by tapping into the communication line. If an invalid password is received by the Host Unit, a "session" lock out counter for the Host Unit is incremented by one. If this counter exceeds the limit set for the session (see block 734 processing below), the user is locked out from any further access attempts to the Host Unit for the current session and a Host Unit lock out counter stored in non-volatile RAM in the Host Unit is incremented by one. If the Host Unit lock out counter exceeds the limit for the Host Unit (see block 734 processing below), all access to the Host PC will be blocked until someone presses the Action button on the front of the Host Unit.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Specifically:

Art Unit: 2129

- A. Tonelli et al. (U.S. Patent Number 6,330,005 B1; dated 11 DEC 2001; class 715; subclass 735) discloses communication protocol binding in a computer system for designing networks.
- B. Perholtz et al. (U.S. Patent Number 5,732,212 A; dated 24 MAR 1998; class 709; subclass 224) discloses a system and method for remote monitoring and operation of personal computers.
- C. Campbell (U.S. Patent Number 5,694,596 A; dated 02 DEC 1997; class 707; subclass 010) discloses an on-line database updating network system and method.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (571) 272-3691.

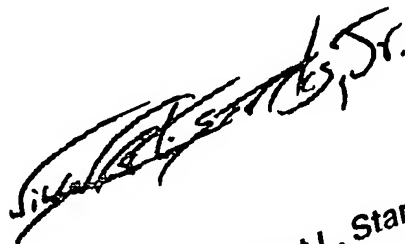
Alternatively, inquiries may be directed to the following:

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WLS

02 September 2006



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Art Unit - 2121